

Exhibit S

Stewart, Charles

From: Mitchell, Elizabeth
Sent: Tuesday, September 25, 2007 8:59 AM
To: Walker, Dorman; 'Pate, Kelly'; jwallace@ago.state.al.us; debnicks@bellsouth.net
Cc: Stewart, Charles
Subject: Horton v. Williams, et al. - Draft Motion for Extension
Attachments: 1621628-1-HortonNSM Motion for Extension of Time to Disclose Experts.DOC

Good morning.

Attached please find a draft motion for extension of defendants' expert disclosures deadline. We would like to file this today, if possible. Please review and let me know if you have any comments and whether you will agree to this motion.

Thanks,
Elizabeth

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9/27/2007

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ELIZABETH HORTON

Plaintiff,

v.

**DON WILLIAMS, individually and
in his capacity as the Manager of
National Seating and Mobility, Inc.,
NATIONAL SEATING AND
MOBILITY, INC., GERALD
SHOCKLEY, individually and in his
capacity of a special agent of the
Alabama Attorney General's Office,**

Defendants.

**CIVIL ACTION NUMBER:
2:06-cv-526-MHT-TFM**

**DEFENDANTS' UNOPPOSED MOTION TO EXTEND
DEFENDANTS' EXPERT DISCLOSURE DEADLINE**

The Defendants, National Seating and Mobility, Inc. ("NSM"), Don Williams, and Gerald Shockley (collectively, the "Defendants") jointly move this Court pursuant to Federal Rule of Civil Procedure 6(b) for an extension of the Court's expert disclosure deadline, allowing Defendants thirty days after their receipt of Plaintiff's Rule 26 compliant expert disclosures or thirty days after Plaintiff's deposition, whichever is longer, within which to make their expert disclosures. This motion is based upon the following grounds:

1. Under the Court's June 19, 2007 Scheduling Order, the Defendants' expert disclosures are due September 28, 2007.

2. Plaintiff's expert disclosures were due on August 31, 2007. The expert disclosures Plaintiff served on Defendants on August 31, 2007 were deficient, however, in that they failed to comply with Federal Rule of Civil Procedure 26(2)(B). Specifically, Plaintiff's expert disclosures failed to include expert reports for any of her experts.

3. Defendants have not yet been able to take Plaintiff's deposition. The parties originally scheduled Plaintiff's deposition for August 16, 2007, but on August 14, 2007 Plaintiff requested to reschedule based on her current psychological condition and the advice of her physician. Since then Defendants have continued to follow up with Plaintiff's counsel in an effort to set and take Plaintiff's deposition, but Plaintiff has remained unavailable throughout September and will remain unavailable until at least mid-October. The Defendants are currently working with Plaintiff's counsel to set Plaintiff's deposition at the end of October or beginning of November.

4. For these reasons, Defendants need additional time to take Plaintiff's deposition, obtain and review Plaintiff's experts' reports, and gather any other information necessary to make an informed decision on the type of expert testimony they will need to adequately defend themselves against Plaintiff's

claims. Without knowing Plaintiff's experts' opinions or even the particulars of Plaintiff's claims, Defendants cannot be expected to identify rebuttal testimony to be offered by their experts.

5. This case is not set for trial until June 23, 2008 and thus this extension will not result in any prejudice to the parties.

6. This motion is being filed by NSM on behalf of all of the Defendants.

7. Plaintiff's counsel has no objection to the requested extension.

WHEREFORE, Defendants respectfully move the Court to grant this request for extension of time to allow Defendants thirty days after their receipt of Plaintiff's Rule 26 compliant expert disclosures or thirty days after plaintiff's deposition, whichever is longer, to serve their expert disclosures.

Respectfully submitted,

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**Attorneys for Defendant
National Seating & Mobility, Inc.**

CERTIFICATE OF SERVICE

I hereby certify that on September __, 2007, I served the foregoing on the following:

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Attorney for Petitioner
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by placing a copy of same in the United States Mail, first-class postage prepaid and addressed to their regular mailing addresses.

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